

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

JACOB DELANEY,

Case No. 1:19-mj-843-DJS

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of December 12, 2019 in the county of Ulster in the Northern District of New York the defendant violated:

Code Section
18 USC § 2252A(a)(B)(5)

Offense Description
Possession of child pornography

This criminal complaint is based on these facts:
See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

David C. Fallon, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: December 12, 2019

Judge's signature

City and State: Albany, New York

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, David C. Fallon, a Special Agent with the Federal Bureau of Investigation, being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent (“SA”) of the FBI since May 1991, and am currently assigned to the Albany Division. While employed by the FBI, I have investigated federal criminal violations related to child sexual exploitation and child pornography. I have gained experience through training and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child sexual exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I am also a member of the FBI’s Child Abduction Rapid Deployment Team with extensive specialty training related to conducting, leading, and managing investigations related to missing and abducted children. I also serve as the case agent for the Albany Division’s Child Exploitation Task Force which targets online child sexual predators and those individuals who trade child pornography. Prior to becoming employed as a Special Agent, I was an attorney licensed to practice law in the State of Rhode Island. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including 18 U.S.C. §§ 2251, 2252, and 2252A, and I am authorized by law to request a search warrant.

2. This affidavit is made in support of a criminal complaint charging JACOB DELANEY, hereinafter DELANEY, with knowingly possessing child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting

interstate or foreign commerce by any means, including by computer, in violation of Title 18 United States Code, Section 2252A(a)(5)(B).

3. This affidavit is based upon: my own participation in this investigation; information provided by other law enforcement agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, including FBI special agents and New York State Police ("NYSP") investigators; information gathered from the service of administrative subpoenas; the results of physical surveillance conducted by law enforcement agents; an interview and polygraph examination of DELANEY; independent investigation and analysis by NYSP analysts and computer forensic professionals; and my experience, training and background as an FBI Special Agent.

4. Because this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that DELANEY has violated Title 18, United States Code, Section 2252A(a)(5)(B) (possession of child pornography).

PROBABLE CAUSE

5. On December 10, 2019, United States Magistrate Judge Daniel J. Stewart issued a search warrant authorizing the search of (A) DELANEY's residence in New Paltz, New York; (B) the person of Jacob DELANEY; and (C) any computers and electronic devices located during the search. On December 12, 2019, your affiant, other members of the FBI and NYSP investigators assigned to Troop F executed said search warrant at DELANEY's residence.

6. Upon execution of the search warrant, investigators located DELANEY in the residence. Investigators located a Dell laptop computer (“Dell Laptop”) in DELANEY’s bedroom, and a KESU brand external hard drive (“KESU Drive”) in the top drawer of the dresser in DELANEY’s bedroom.

7. An initial forensic preview of the Dell Laptop revealed a folder containing at least one video of what appeared to be children engaged in sexually explicit conduct. More specifically, the video appeared to depict two minor males and a minor female under the age of 12. One of the minor males inserts his finger into the naked vagina of the minor female.

8. An initial forensic preview of the KESU Drive found that it contained a folder with numerous subfolders containing approximately 19,000 total images and videos, many of which appear to constitute child pornography. These are initial estimates as the forensic examination of KESU Drive remains ongoing. Within the KESU Drive, investigators identified a folder titled “Tor Browser,” which contained a subfolder labeled “teen sets.” This folder contained approximately 20 subfolders, some labeled with male names, and approximately 36 videos. Investigators viewed a sample of the videos and found that they contained minor boys engaged in sexually explicit conduct. For example:

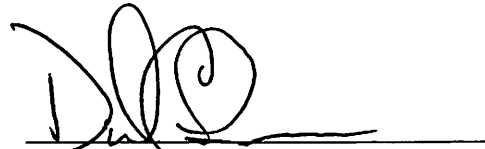
- a. A file labeled “12yo 14yo us Boys Fuck (BC)(SF).mp4” depicts two boys approximately 12 to 14 years old with one boy performing oral sex on the other;
- b. A file labeled “10 year old Jonas boner flash.mp4” depicts a 10 to 11 year old boy masturbating; and
- c. A file labeled “HC0593.mp4” depicts two minor males, approximately 7 to 9 years old. One boy is masturbating the naked penis of the other boy.

9. During the execution of the search warrant, I advised DELANEY that he was not under arrest and he proceeded to participate in a voluntary interview. DELANEY admitted that he lives in the residence and that he is the owner and user of the Dell Laptop. He admitted that for about the past year he developed a curiosity as to pornography involving teenage boys and admitted to downloading such pornography from a website and saving 20 to 40 videos of pornography involving 13 to 15 year old boys to the desktop of his Dell Laptop. DELANEY did not inform investigators of the KESU Drive until after it was located during the search. At that time, he admitted that the KESU Drive was his.

10. Based upon information and belief, neither DELANEY's Dell Laptop nor the KESU Drive were manufactured in the State of New York.

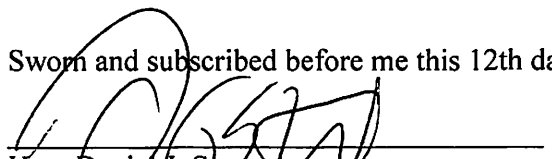
CONCLUSION

11. Based upon the above information, there is probable cause to believe that Jacob DELANEY possessed child pornography on a computer within the Northern District of New York.



David C. Fallon
Special Agent

Sworn and subscribed before me this 12th day of December, 2019.



Hon. Daniel J. Stewart
UNITED STATES MAGISTRATE JUDGE